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Andorra, Argentina, Australia, Austria,* Bulgaria, Canada, Costa Rica, Czech Republic, Hungary, Iceland, Ireland, Israel, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Monaco, Norway, Poland, San Marino, Slovakia and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949[3] on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent Commission on Human Rights resolution 1998/65 of 21 April 1998,[4]

Taking note of the concluding observations of the Committee on the Rights of the Child following the Committee's consideration of the initial report of Iraq under the Convention on the Rights of the Child,[5]

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* On behalf of the States Members of the United Nations that are members of the European Union.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[4] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[5] Resolution 44/25, annex.

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Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991; and 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; and Security Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

Taking note of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[6] 1111 (1997),[7] 1129 (1997),[8] 1143 (1997)[9] and 1153 (1998),[10] in particular his report of 1 September 1998,[10]

1. *Takes note with appreciation* of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[11] and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. *Calls upon* the Government of Iraq to abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

3. *Also calls upon* the Government of Iraq to cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

4. *Strongly condemns* the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression;

5. *Condemns* the suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular the death penalty;

6. *Also condemns* the widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[12] and the United Nations safeguards, including for petty crimes such as property theft and customs violations;

7. *Strongly condemns* summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, and

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[6] S/1996/1015.

[7] S/1997/935.

[8] S/1998/90.

[9] S/1998/194 and Corr.1 and S/1998/477.

[10] S/1998/823.

[11] A/53/433.

[12] See resolution 2200 A (XXI), annex.

calls upon the Government of Iraq to provide an accounting for the clean-out of prisons where there is credible evidence of mass summary executions;

8. *Expresses its deep concern* at widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

9. *Calls upon* the Government of Iraq to abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilations, and to ensure that torture and cruel punishment and treatment no longer occur, and also to abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

10. *Also calls upon* the Government of Iraq to restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

11. *Demands* that the Government of Iraq bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[12]

12. *Urges* the Government of Iraq to put an end without delay to the continuing enforced displacement of persons on discriminatory grounds;

13. *Also urges* the Government of Iraq to respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians, Turkomen and the population of the southern marsh areas, and to ensure the personal integrity and freedoms of the Shi'a and their religious establishment;

14. *Calls upon* the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who had died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

15. *Also calls upon* the Government of Iraq to increase its cooperation with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country, in particular to ensure the right to an adequate standard of living, including to food and health care;

16. *Takes note* of the appreciation of the Secretary-General, as expressed in his report of 1 September 1998,[10] of the continued cooperation of Iraq in implementation of Security Council resolutions 986 (1995), 1111 (1997), 1129 (1997), 1143 (1997) and 1153 (1998) and the Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq on this issue, concluded on 20 May 1996;[13]

17. *Calls upon* the Government of Iraq to continue to cooperate in the implementation of Security Council resolutions 986 (1995),1111 (1997), 1143 (1997) and 1153 (1998) and to ensure fully the equitable distribution, without discrimination, to the

[13] S/1996/356, annex.

Iraqi population of the humanitarian supplies, including to remote areas, purchased with the proceeds of Iraqi oil, and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

18. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

19. *Decides* to continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.